U.S. DISTRICT COURT
FILED
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S.D. OF N.Y.
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U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

June 2, 2016

UNDER SEAL

BY ELECTRONIC MAIL (BroderickNYSDChambers@nysd.uscourts.gov)

The Honorable Vernon S. Broderick
Thurgood Marshall United States Courthouse
40 Foley Square, Room 415
New York, NY 10007

Re: United States ex rel. McKoy v. Uliss, No. 15 Civ. 1599 (VSB) (**Under Seal**)

Dear Judge Broderick:

We write respectfully on behalf of the United States (the "Government") in this action filed under seal on or about March 4, 2015, by a relator, Chandra McKoy, pursuant to the *qui tam* provisions of the False Claims Act, as amended, 31 U.S.C. §§ 3729–3733 (the "FCA"). The complaint alleges that Dr. Alan E. Uliss and Alan E. Uliss M.D., P.C. (collectively "Defendants") have engaged in a variety of fraudulent and deceptive practices since, at least, 2013 and collected from Medicare and Medicaid many thousands, if not hundreds of thousands, of dollars to which Defendants were not entitled. Specifically, relator Chandra McKoy alleges that Defendants engaged in the following schemes: submitting claims to Medicare and Medicaid with false CPT[1] codes resulting in inflated reimbursements; submitting claims to Medicare and Medicaid for medically unnecessary and unauthorized procedures; unlawfully unbundling services that were required to be billed under a single CPT code; providing false narratives of care in response to billing audits; and falsely certifying compliance with the Medicare Electronic Health Record initiative.

The seal in this case currently expires on June 30, 2016. Pursuant to the Court's April 27, 2016, order, the Government respectfully submits the enclosed status report advising the Court of the current state of the investigation and why the Government respectfully requests that the Court extend the seal and the time for the United States to investigate this case and determine whether to intervene to November 4, 2016. To avoid unnecessary duplication, the United States requests that this application for an extension be deemed to be on behalf of the State of New York as well. The relator consents to the proposed extension of the seal. A proposed order is enclosed.

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[1] CPT stands for Current Procedural Terminology, and it is a medical code set maintained by the American Medical Association. It is the coding and billing methodology used to secure reimbursements under Medicare and Medicaid.

If the Court grants this application, we respectfully request that a copy of the order be delivered to the undersigned. We will provide a copy of the order to the relator and to counsel for the State of New York.

We thank the Court for its consideration of this request.

Respectfully submitted,

PREET BHARARA
United States Attorney for the
Southern District of New York

By: ______________________
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Enclosures

cc: BY FIRST CLASS MAIL (w/proposed order and w/o *ex parte* status report)

Jason J. Rozger, Esq.
Counsel for Relator

Konrad F. Payne, Esq.
New York State
Office of the Attorney General
Medicaid Fraud Control Unit

Application GRANTED. As discussed at the June 8, 2016 telephonic conference, counsel for the United States is directed to submit a status update concerning its investigation on or before October 3, 2016.

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USDJ 6/8/16